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OFFICE OF PUBLICATION, HARRISON, OKLAHOMA.

VOL. 2.

GUTHRIE, OKLAHOMA, TUESDAY MORNING, JULY 31, 1894.

NO 201

CASE OF TWO CONTESTANTS

CONTEST OF SEEDS AND JOHN-SON AGAINST JONES.

DECISION OF SECRETARY SMITH.

In a Very Able Opinion He Sustains the Decision of the General Land Office. Johnson's Entry Suspended and Both Parties to be Allowed the Privilege of Bidding for Preferred Contestant—Decision.

Following is the decision of Secretary Smith in a mooted land case. It will be of interest to all hereafter:

"On July 3, 1894, Matthew G. Jones made homestead entry of the north-east quarter of section 11, township 16 north, range 1 west, with the land district of Guthrie, Oklahoma.

On January 6, 1893, there was received at the local land office, through the mails, and duly filed, an affidavit of contest by John W. Johnson, alleging that "the said Nathan (Matthew) G. Jones, his heirs and legal representatives, have wholly abandoned said tract, so that he never established his residence thereon during his lifetime or since making said entry; that said tract is not settled upon and cultivated by said party as required by law, or by any of his heirs or legal representatives, and all of the above named defaults still exist."

There was received through the same medium, on the same day, and filed at the same instant of time, another affidavit executed by George M. Seeds, alleging that "the said entryman has wholly abandoned said tract; that he has changed his residence therefrom for more than six months since making said entry; that said tract is not settled upon and cultivated by said party as required by law," but making no suggestion of the death of Jones, which occurred in the latter part of July, 1889, within less than a month of the date of his entry."

On November 18, 1893, John W. Johnson appeared at the local office and filed a motion to dismiss the contest of Seeds "for the reason that the said Nathan (Matthew) G. Jones departed this life prior to the filing of said contest and because the heirs and legal representatives of said Jones are not made parties defendant to said contest, and because said contest is for said reason in law a nullity, and should not be entertained to the prejudice of said contestant John W. Johnson."

On December 13, 1893, Seeds filed a supplemental affidavit, reiterating the allegations of his initial affidavit, and asking that Mrs. Mary E. (B.) Jones, widow, and Mrs. L. (Anna) N. (M.) Daddman, daughter of the deceased entryman, be made parties.

It is not appropriate to call attention, here, to the misnomer of the entryman, as well as of his heirs, carried through the entire proceedings, but since no exception has been taken thereto, and inasmuch as the thing in controversy, the land, is correctly described and identified, the discrepancy will be ignored.

On January 15, 1894, the register and receiver rendered a decision on Johnson's motion to dismiss, holding "that it was wholly irregular to have initiated a contest against a dead man by name, and that no rights could be acquired thereby as against a simultaneous or intervening contest against the proper parties and that any proceedings under such a contest would be a nullity, and recommending that 'inasmuch as an amended affidavit has been filed by Seeds against the heirs of Jones, the same should be held as a second contest and held in obedience to await the result of Johnson's contest.'"

On March 3, 1894, pending Seed's appeal from the decision of the register and receiver, Johnson filed the relinquishment of Mrs. Mary R. Jones and Mrs. Anna M. Daddman, the widow and daughter, respectively, of the deceased entryman, and at the same time made homestead entry of the land thus relinquished.

The foregoing proceedings having been had in the local office, the case has finally reached this department on appeal by Johnson from the decision of the local office reversing that of the register and receiver, and holding that Seed's contest affidavit was subject to amendment, notwithstanding Johnson's simultaneous contest, and directing the suspension of Johnson's entry, and that both parties be notified "that on a certain day they will be allowed to bid for the right of preferred contestant, and that he who bids the greater sum will be considered as such contestant." It was further laid down for the guidance of the local officers that "if such award be made to Johnson, his entry should be allowed to remain intact, and Seed's contest should be dismissed. If the award is made to Seeds, the relinquishment of Jones's entry will be presumed to be the result of such contest, and Johnson should be allowed an opportunity to show that the relinquishment was an independent transaction, whereupon

it will devolve upon Seeds to establish the truth of his allegations of contest."

The appellant charges your office with error in holding Seed's affidavit as amendable. First, because the said affidavit is a nullity, and therefore supplies no basis for amendment, and, second, because Johnson's affidavit was the first and only statutory complaint filed in the local office and that such holding deprives Johnson of the fruits of his labor. Subsequently stated, the contention is that the affidavit is not amendable at all, and if so, that the right of amendment is barred by appellant's adverse demand.

I think the weight of authority, at least, supports the view of your office decision, and it is, therefore, affirmed.

The record transmitted with your office letter "H" of April 13, 1893, is herewith returned.

Very respectfully,
"H. SMITH, Sec'y."

DEBS MADE A SPEECH.

He Addressed a Large Audience at Terre Haute.

TERRE HAUTE, Ind., July 30.—Packed like sardines were the people who listened to President Debs, of the A. R. U., in the opera house Saturday night. The theater never held such a crowd, and hundreds were turned away. Many ladies were present. Debs was enthusiastically received. He said: "This was a crisis brought about first by the inhuman cruelty and oppression of Pullman toward his employees; secondly, by the railways deciding to stand by Pullman in his oppression; third, by an understanding among the railway managers that it was necessary to crush the railway union."

Debs then said that he had always been in favor of arbitration and opposed to strikes until the gauntlet was thrown down and an effort made to crush organized labor and there was a time when not to strike meant degradation and dishonor, and that was what time. He made quite a lengthy address and was vociferously applauded.

The labor leader did not admit defeat, but on the contrary he declared that the war against Pullman would be carried to the bitter end. He said further that so far as he was concerned this was the last strike in which he should engage and that hereafter he would fight on the battle along political lines, appealing to the ballot for restitution of the laborers' rights.

The Santa Fe and Its Employees.
TOPEKA, Kan., July 30.—General Superintendent Mudge, of the Santa Fe, denies the report that a strike is contemplated by employees of that road on account of a proposed abrogation of existing contracts with engineers, conductors and firemen. He says: "The road has in no way hinted that it was going to annul the contracts mentioned, and to my knowledge there have been no new ones printed. I saw Mr. D. B. Robinson yesterday, and he told me there was nothing in the story. If there was he would certainly know it. When we hire a man we take his statement on paper as to his railroad record. We have blanks for this purpose. Very recently we had a new supply printed, because we were out. These were probably what the men have seen. It is untrue that we have any individual contracts with anybody, or that we compel an employee to sign anything saying he is or is not a union man. The statement is annoying, but it will do us no harm, because all the claimants of all the orders in question understand there is no truth in it. It is simply the A. R. U. making a last effort to stir up a row."

Rev. Dixon a Prophet of Evil.
NEW YORK, July 30.—Rev. Thomas Dixon spoke yesterday morning in Association hall on the "Coming Strike." Among things he said: "The outlook for the immediate future is one of suffering and oppression. The capitalists will surely retaliate on the workingman. They will triumph in their strength. Yet they should not imagine that they are safe from future violence. Another strike is bound to come. It will effect every industry and paralyze the world. I predict that a fearful struggle will occur in the near future."

NEWS NOTES.

The Massachusetts Republican state convention has been set for October 6. A disastrous conflagration has destroyed 2,000 houses at Cotel, a town in Bulgaria.

Pennyweight Powell, one of the Oliphant train robbers, is on trial at Newport, Ark.

The official report says 120,000 people died of the plague in the Canton, China, district.

The interstate conference of the First Day Adventists are holding a session near Nevada, Mo.

At Abilene, Kan., Mrs. Laura Gillespie Fry died Saturday evening. She was a cousin of James G. Blaine.

The Caldwell county annual Sunday school convention will be held at Brookridge, Mo., August 17 and 18.

Kansas City, Mo., is infested with a gang of housebreakers. The police seem unable to apprehend the criminals.

Cattlemen of the Great Bend country in Western Texas report the wholesale stealing of cattle and other livestock.

Many Chicago militiamen have lost their positions on account of their absence from business during military duty at the late strike.

Jack O'Keefe, of Kansas City, and Kid Vance of Omaha, are training for a twenty-round fight August 5, before the St. Joseph athletic club.

Mrs. Mary Coyle of Wilkesbarre, Pa., who was almost totally blind for a number of years, has had her sight suddenly restored by prayer.

The London market reports money still in unprecedented abundance. It is estimated that the open market controls nearly \$8,000,000 sterling.

WILL STAND BY THE BILL.

SENATE AND HOUSE DRIFTING FURTHER APART.

INTENSE FEELING MANIFESTED.

No Possibility of the House Accepting the Wisher of the Senate and a Deadlock Threatened—Senate Stands Firm—Sugar, Coal and Iron Block the Way—Other Washington Gossip.

WASHINGTON, July 30.—There had been no meeting of the Democratic conference on the tariff bill since the adjournment Saturday until 1 o'clock today, and the Democratic managers on the part of the senate were inclined to say that what will be the purport of the reply which the Democratic managers, in behalf of the house, will make in response to the senate's position that the conference must accept the senate bill.

Having at the Saturday meeting made plain to the house members of the conference why this demand on their part had to be made and why it should be accepted, the senators have, since the adjournment on Saturday, given very little attention to tariff affairs, and say, when spoken to, that there is nothing for them to do until the house members make known their acceptance or rejection of the proposition. If it be accepted they think the report can be made after a brief conference; if rejected, they say they see no reason for a long parley, as under the circumstances they cannot abate their demands without endangering the passage of the bill in the senate.

The senate conferees have said to those of the house that to strike out the differential on sugar probably means the loss of eight votes in the senate, and also that it is equally important that coal and iron be should remain in the bill as arranged in the senate. It does not appear that any difficulty has arisen over coal and iron in the present conference, and the house members have indicated a willingness to leave them as agreed upon in the senate if the sugar schedule can be changed so as to eliminate the special duty of one-eighth of a cent on refined sugars. This is the only question of real contention, and the senators are apparently determined to stand firm for the retention of the differential. Furthermore, they do not appear to be holding out for the senate schedule purely on the ground of expediency, but they also contend for the justice of the proposition to give protection to the refiners.

When Chairman Wilson of the house managers, advanced the proposition on Saturday that the admission rate of forty per cent would, on account of the difference in the market price of raw and refined sugars, give the refiners an advantage of about a quarter of a cent a pound, he was replied to very sharply by the senate conferees, some of which showed figures to prove the contrary, while others said the proposition was too absurd for argument. They also went over the argument of the cost of manufacturing sugar in the United States and other countries, the house members contending that it was not worth taking into account, and the senators attempting to demonstrate the absurdity of this position.

It looks very much like a deadlock unless the house conferees yield, as there is no indication of any purpose on the part of the senators to do so. The senate conferees talk frankly about the situation, and place themselves firmly upon the proposition that the sentiment in the senate is such that it must be the senate bill or no bill.

The full conference between members of the two houses was held at 1 o'clock today. Previous to that time the Democratic managers of the two houses met informally, when, as was promised the senate conferees were informed of the decision of their house colleagues on the senate ultimatum of Saturday.

The decision which the senators are awaiting is the flat refusal on the part of the house conferees to yield to the senate demand in whole or in part. The determination to give this negative response has been agreed on definitely by the house conferees. It had been expected the intense feeling of the last week would clear the atmosphere and lead to some common ground of agreement, but when the house conferees were met by a demand to yield in toto on sugar, coal and iron, they assumed an equally aggressive and determined stand. At their meeting each of the four house members were asked to state if his views had changed in any way since the former conference.

It developed that not one of the four had modified his views in the slightest. They were, therefore, a unit in declining to accede to the demand of the four senate conferees, and the solid front of opposition was made known to the senators this morning.

WEEK IN THE SENATE.

It Is Believed There Will Be More or Less Tariff Talk.

WASHINGTON, July 30.—The proceedings in the senate during the present week will depend largely upon the conferees on the tariff bill. If they should reach a conclusion during the week, as everyone expects they will, the report will be made to the senate, that body having granted the request for a conference, and the report will be taken up at the first opportunity.

Whatever the nature of the report, there is sure to be more or less debate upon it. Even should the senate bill be accepted in its entirety by the house, there will be some speeches on the part of the tariff leaders and possibly other senators, though, in this event, there would be a general disposition to curtail them both in length and number on account of the desire which is felt in all quarters to

bring the session to a close at the earliest possible date. This disposition would not be allowed to control in case the reports should indicate any material concessions to the house.

In case of reductions on coal, iron ore or sugar there are Democratic senators who would resist the report, and another family quarrel on the door of the senate would be the inevitable result. There are also Democratic senators who would make strenuous opposition to material changes in the metal, woolen and cotton schedules, and the Republicans would, in the latter event, be found participating. It is not probable that Senator Quay will submit quietly to any important modification of the metal schedule, nor that Senator Aldrich would permit changes in the rates on woolens to be made without entering a vigorous protest, and the result would be the prolongation of the debate with the end of forcing a return to the senate rates.

The first days of the week will be given up to the sundry civil appropriation bill, which the committee on appropriations expects to report today. This always arouses more or less debate. The bill this year will probably prove no exception and it is likely that two or three days will be devoted to it unless it should be side-tracked by the tariff bill. With the sundry civil bill disposed of, the general deficiency bill would be the only appropriation bill remaining unacted upon by the senate. It has not yet been considered by the committee on appropriations, but will be taken up as soon as the sundry civil bill shall be reported and will probably be in shape to be considered by the senate by the time the sundry civil bill is out of the way.

Four of the appropriation bills are conference and reports upon these may be expected during the week, with the possibility of more or less debate on each.

If time permits, the general calendar presents a great variety of matter for the consideration of the senate.

House of Representatives.
WASHINGTON, July 30.—The house held a very short session Saturday, but managed in the two and a quarter hours it was in session to transact good deal of business of a private character. Half a dozen private bills heretofore favorably acted upon at the Friday night sessions were passed, as were also a number of others, and house bills.

The only thing of importance in the day's proceedings was the discussion without action of a bill to amend the revised statutes so as to give federal courts additional powers in dealing with violations of the copyright law as it applies to plays and operas. A joint resolution was adopted still further extending the appropriations for 1894 until August 11, and at 2:20 p. m. the house adjourned.

Trouble Over the Census.

WASHINGTON, July 30.—No plan of procedure has been arranged for the house of representatives, as Speaker Crisp wants to keep the way clear for the tariff bill if an agreement can be reached. The only business set for the week is the Pustun Moore contested election case on Wednesday. The petition circulated by Mr. Springer for a Democratic caucus Tuesday at 3 p. m. is likely to cut an important figure in the week, unless Speaker Crisp and other leaders succeed in having the caucus abandoned. Much feeling has arisen over the caucus, for it is construed as a reflection on the house conferees. The latter are up in arms, and where it comes to a war, personal controversy if the caucus is held.

Senator Vest Very Sick.

WASHINGTON, July 30.—Senator Vest is quite ill; while his condition is not considered serious, all euliers are dejected. The trouble is combination of dyspepsia and the sweltering heat.

The New Republic Denounced.

KANSAS CITY, Mo., July 30.—J. A. Cummins and S. Parker, formerly ministers of foreign affairs, and H. A. Widemann, ex-minister of finance under the monarchy of Hawaii, and Major Seward passed through here Saturday night on route to Washington as commissioners from the de-throned Queen Liliuokalani. Mr. Widemann, who heads the commission, says, seeing the effect of the recognition of the new republic, he urges a reply to the ex-queen's protest against the act of the former United States minister to Hawaii, to which her overthrow is attributable. He denounces the republic as being only such in name. Mr. Widemann was first minister of finance under King Kalakaua, also under the queen. He went to Hawaii in 1849, when the British protectorate was in force there, and he is the only one of the present affair will and similarly, and that the queen will be restored.

Coxeites Appeal for Aid.

WASHINGTON, July 30.—The bodies of men styling themselves the "Industrial Army," in camp at Roslyn, Va., opposite Washington, fled themselves in bad straits, have issued an appeal to the public for aid. The appeal recites the sufferings of the men in journeying hither and the object of coming here, and announces that while "at war with hunger, wretchedness and despair," they propose to stay here unless forcibly removed until their demands are granted. Upward of 2,000 men are camped at Washington and vicinity, and others are arriving daily.

Charged With Perjury.

TOPEKA, Kan., July 30.—N. McClintock of Topeka, who was supreme recorder of the Knights of Columbia up to May 29, 1894, has been arrested on a charge of perjury. The arrest grew out of the attempt of McClintock to join the supreme officers of the order from paying out certain funds, and it is claimed that he perjured himself in the petition. McClintock gave a bond for his appearance at the trial and was released.

The Mouth Crooked.

KANSAS CITY, Mo., July 30.—Reports from all sections indicate more or less rain during the past forty-eight hours which breaks the drought in the West. Many localities the crops were so badly injured that little benefit will result from the rain.

HUNDREDS ARE HOMELESS.

TERRIBLE WORK OF WISCONSIN FOREST FIRES.

TOUCHING SCENES AT PHILLIPS.

Nothing But Heaps of Ruins Mark the Place Where It Once Stood—Fifteen Lives Lost—The People Relate an Awful Experience of Suffering—Relief Trains Going to Their Assistance.

PHILLIPS, Wis., July 30.—The terrible scene here beggars all description—the blackened faces of those who fought to save their homes, stare with blood-shot eyes at the heaps of ruins which mark their once happy home. Not since the terrible forest fires that destroyed Peshigo, has anything occurred which will compare with the scene of ruin here. A committee of citizens from Ashland arrived with a special train of provisions Saturday night at 9 o'clock. It was the first material relief to arrive and it came just in time to keep the people from actually suffering from want of food. Provisions were given out in small quantities so as to make them last as long as possible and keep something available until other provisions arrived.

Men and women walk the street all begrimed, wringing their hands and bemoaning their situation. Only a town hall and a few small buildings are all that are left standing. They were immediately converted into shelter for the destitute, but only a few of the women and children could crowd into them. A vast multitude had to remain without shelter and food all night, but ten were brought in from neighboring towns and improvised huts utilized. Governor Peck and his staff arrived from Madison yesterday, as also a dozen cars of provisions from various cities and the organization for relief has been completed.

Great crowds of residents who were chased out of the city by flames Friday are returning to look over the ruins. Already lumber is being shipped in for the purpose of rebuilding, and operations have begun.

Two more bodies have been recovered from the river where the terrible loss of life occurred, those of Mr. J. Locke and one of his children. The boat-house, which the desperate men, women and children took refuge was pushed from the shore. Before it had gone far the suction of the flames drew it right into a regular furnace of fire. The boats were either overturned or the people jumped. It is now estimated that fifteen lives were lost at this place. It is supposed that the bodies of several children are buried under the ruins of the wagon and foot bridge, which it is claimed gave way while they were trying to escape from the flames to the peninsula which runs into the lake, approaching closely the location of the John R. Davis Lumber company's plant. Mrs. Cline, who was picked up after clinging to an overturned boat for over an hour, is doing nicely, and it is thought will recover.

Relief trains have fairly poured in here to-day and there are supplies of food here now sufficient to last the fire sufferers a month. The relief committee asks especially for clothing and money, and these will be amply provided by the people of the state without outside help.

Bele Plain, Iowa, Burned.

BELLE PLAIN, IOWA, July 30.—A fire which started in a blacksmith shop Saturday evening resulted in the nearly total destruction of the business part of the city. The loss will aggregate \$400,000 with insurance of perhaps half. The weather has been dry for so long that everything burned like tinder.

Three Children Smothered to Death.

HARTFORD, Conn., July 29.—Raymond, 9; Leroy, 7; and Freddie, 4, the children of James W. Gannon, a locomotive engineer on the New York, New Haven and Hartford railroad, who have been missing since Thursday evening, when they went to bathe in the Connecticut river, were found dead this morning in the closet of a freight carhouse standing on a side track near the roundhouse, not 300 feet from their home. The inquest disclosed no evidence of foul play and a verdict of accidental death by asphyxiation was given. The carhouse was newly painted and the children went in to play, a pack of cards being found in the closet. It is supposed they closed the door and could not open it, and soon suffocated in the stifling hot air of the narrow inclosure.

An Archduke Accidentally Killed.

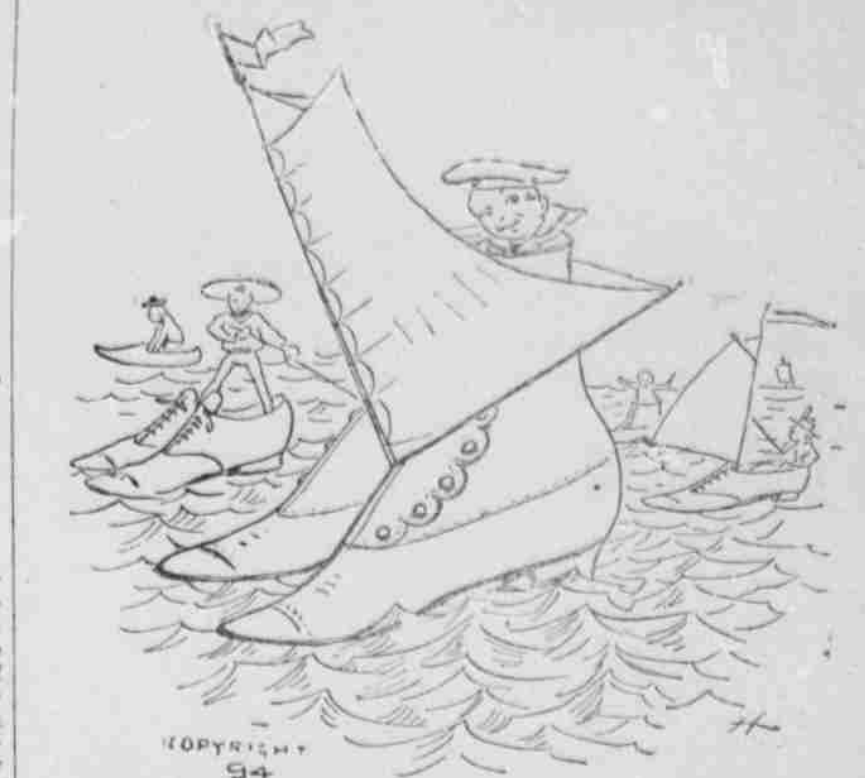
VIENNA, July 30.—Archduke William III., son of the late Archduke Charles and a second cousin of Emperor Francis Joseph, met an accident yesterday that resulted in his death. He was riding at Wieden, near Baden, when his horse shied, being frightened by a passing electric car. The archduke was thrown out of the saddle and in falling his head struck a stone.

Politics Cause a Death.

St. JOSEPH, Mo., July 30.—George McMillan, a well-known local politician, Saturday night shot and fatally wounded Carroll Hughes, a freight conductor on the Rock Island railway. Hughes and McMillan had a quarrel during the recent city election, when McMillan was defeated for the city council. He blamed Hughes as being an important factor in securing his defeat.

Drowned While Bathing.

KANSAS CITY, Mo., July 30.—George McCrany, aged 20 years, was drowned while bathing in the lake at Washington park, last evening. McCrany could not swim and got beyond his depth. The water was about fifty bathers in the water at the time. No one saw him go down.



A SUMMER SAIL.

is a pleasant experience, and our summer sale of footwear is not only a pleasant but also a profitable experience for buyers. The money-making event for the people is on now and every one is about about it. You can't come too soon to catch bargains. We've treated prices like a convict's hair, clipped them; and this radical cut has set the stock moving. We are offering bargains that have set the buyers moving, and soon there won't be as much left of the goods we are now offering as there was of the Kilkenny cats; nothing left, in fact, but the room they occupy. Step to the beat of the bargain drum and secure a mortgage on cheapness by buying a pair of our shoes.

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BOOTS AND SHOES,
118 WEST OKLAHOMA AVENUE. REPAIRING NEATLY DONE

DON'T GO AWAY.
TO BUY A
PIANO
OR
ORGAN.

We will give one term, twenty lessons, to any person who buys a PIANO or ORGAN of us within the next 30 days. Instructions given by Mrs. Young.

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MURRAY & WILLIAMS.
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They Must Go!
AND RIGHT QUICK!
Gasoline Stoves!

Have you one in your house? If not, then call at once and see those at

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NEW STOVES--ALL NEW!
AT SECOND-HAND PRICES.

Come quick before they are all gone.

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Undivided profits, : : : 30,000